

**WORKMEN'S  
COMPENSATION ACT OF  
THE TERRITORY  
OF HAWAII, 1915**

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Workmen's compensation act of the Territory of Hawaii, 1915 by Various

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**VARIOUS**

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COMPENSATION ACT OF  
THE TERRITORY  
OF HAWAII, 1915**



Hawaii (T.C.) laws and regulations. Workmen's compensation law.

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**Office of the Treasurer**  
**Territory of Hawaii**

# **WORKMEN'S COMPENSATION ACT**

**OF THE**

**TERRITORY OF HAWAII**

**1915**

**HONOLULU:**  
**HONOLULU STAR-BULLETIN, LTD.**  
**1915**

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# ACT 221

## AN ACT

RELATING TO COMPENSATION TO EMPLOYEES FOR PERSONAL  
INJURIES SUSTAINED IN THE COURSE OF THEIR EMPLOY-  
MENT.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

### I.

#### RIGHTS AND REMEDIES GRANTED AND AFFECTED.

##### EMPLOYMENTS COVERED.

SECTION 1. This Act shall apply to any and all industrial employment, as hereinafter defined. If a workman receives personal injury by accident arising out of and in the course of such employment, his employer or the insurance carrier shall pay compensation in the amounts and to the person or persons hereinafter specified.

##### TERRITORIAL AND MUNICIPAL BODIES.

SECTION 2. This Act shall apply to employees (other than officials as hereinafter defined) of the Territory, and all counties, and all other political subdivisions within the Territory now existing or which may hereafter be created.

##### INJURIES NOT COVERED.

SECTION 3. No compensation shall be allowed for an injury caused (1) by the employee's wilful intention to injure himself or to injure another, or (2) by his intoxication. If the employer claims an exemption or forfeiture under this section the burden of proof shall be upon him.

#### RIGHT TO COMPENSATION EXCLUSIVE.

SECTION 4. The rights and remedies herein granted to an employee on account of a personal injury for which he is entitled to compensation under this Act shall exclude all other rights and remedies of such employee, his personal representatives, dependents, or next of kin, at common law or otherwise, on account of such injury.

Employers, who hire workmen within this Territory to work outside of the Territory, may agree with such workmen that the remedies under this Act shall be exclusive as regards injuries received outside this Territory by accident arising out of and in the course of such employment; and all contracts of hiring in this Territory shall be presumed to include such an agreement.

#### LIABILITY OF THIRD PERSONS.

SECTION 5. When any injury for which compensation is payable under this Act shall have been sustained under circumstances creating in some other person than the employer a legal liability to pay damages in respect thereto, the injured employee may, at his option, either claim compensation under this Act or obtain damages from or proceed at law against such other person to recover damages; and if compensation is claimed and awarded under this Act any employer having paid the compensation or having become liable therefor shall be subrogated to the rights of the injured employee to recover against that person, provided, if the employer shall recover from such other person damages in excess of the compensation already paid or awarded to be paid under this Act, then any such excess shall be paid to the injured employee less the employer's expenses and costs of action.

#### CONTRACTING OUT FORBIDDEN.

SECTION 6. No contract, rule, regulation, or device whatsoever shall operate to relieve the employer in whole or in part from any liability created by this Act.



## II.

## COMPENSATION.

## DEATH BENEFITS.

SECTION 7. If death results from the injury within six months, the employer or the insurance carrier shall pay to the persons entitled to compensation or, if there be none, then to the personal representative of the deceased employee, burial expenses not to exceed one hundred dollars (\$100.00); and shall also pay to or for the following persons for the following periods a weekly compensation equal to the following percentages of the deceased employee's average weekly wages as defined in Section 15;

(a) To the dependent widow or widower, if there be no dependent children, forty per cent.

(b) To the dependent widow or widower, if there be one or two dependent children, fifty per cent., or if there be three or more dependent children, sixty per cent. Such compensation to the widow or widower shall be for the use and benefit of such widow or widower and of the dependent children, and the industrial accident board may from time to time apportion such compensation between them in such way as it deems best.

(c) If there be no dependent widow or widower, but a dependent child or children, then to such child or children thirty per cent., with ten per cent. additional for each child in excess of two, with a maximum of fifty per cent., to be divided equally among such children if more than one.

(d) If there be neither dependent widow, widower, nor child, but there be a dependent father or mother, then to such parent, if wholly dependent forty per cent., or if partially dependent twenty-five per cent., or if both parents be dependent then one-half of the foregoing compensation to each of them; or, if there be no such parents, but a dependent grandparent, then to every such grandparent the same compensation as to a parent.

(e) If there be neither dependent widow, widower, child, parent, or grandparent, but there be a dependent grandchild, brother, or sister, or two or more of them, then to such dependents twenty-five per cent. for one such dependent and five per cent. additional for each additional such dependent, with a maximum of forty per cent., to be divided equally among such dependents if more than one.

#### DEPENDENTS.

SECTION 8. The following persons, and they only, shall be deemed dependents and entitled to compensation under the provisions of this Act;

A child if under sixteen years of age, or incapable of self-support and unmarried, whether ever actually dependent upon the deceased or not;

The widow only if living with the deceased, or actually dependent, wholly or partially, upon him;

The widower only if incapable of self-support and actually dependent, wholly or partially, upon the deceased at the time of her injury;

A parent or grandparent only if actually dependent, wholly or partially, upon the deceased;

A grandchild, brother, or sister only if under sixteen years of age, or incapable of self-support, and wholly dependent upon the deceased. The relation of dependency must exist at the time of the injury.

An alien shall not be considered a dependent within the meaning of this Act unless actually residing within the United States, and any alien dependent leaving the United States shall thereupon lose all right to any benefits under this Act.

#### PERIODS OF COMPENSATION.

SECTION 9. The compensation herein provided for shall be payable during the following periods:

To a widow, until death or remarriage, but in no case to exceed three hundred and twelve weeks;

To a widower, during disability or until remarriage, but in no case to exceed three hundred and twelve weeks;

To or for a child, until sixteen years of age, but in the case of a child incapable of self-support and unmarried as long as so incapable, but in no case to exceed one hundred and four weeks beyond said age of sixteen years;

To a parent or grandparent, during the continuation of a condition of actual dependency, but in no case to exceed three hundred and twelve weeks;

To or for a grandchild, brother, or sister, during dependency as hereinbefore defined, but in no case to exceed three hundred and twelve weeks.

Upon the cessation of compensation under this section to or on account of any person, the compensation of the remaining persons entitled to compensation for the unexpired part of the period during which their compensation is payable shall be that which such persons would have received if they had been the only persons entitled to compensation at the time of the decedent's death.

#### CERTAIN WORDS DEFINED.

SECTION 10. As used in this section the term "child" includes step-children, adopted children, posthumous children, and illegitimate children, acknowledged previous to the injury, but does not include married children unless dependent. The terms "brother" and "sister" include step-brothers and step-sisters, half-brothers and half-sisters, and brothers and sisters by adoption, but do not include married brothers nor married sisters unless dependent. The term "grandchild" includes children of adopted children and children of step-children, but does not include step-children of children, step-children of step-children, step-children of adopted children, nor married grandchildren unless dependent. The term "parent" includes step-parents and parents by adoption. The term "grandparent"